

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-CR-20155-RUIZ/TORRES

UNITED STATES OF AMERICA

vs.

DIEGO SANUDO SANCHEZ SOCRON
GREGORY CHARLES MILO CASKEY

Defendants.

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MILO CASKEY'S PROPOSED SPECIAL INSTRUCTIONS

Milo Caskey hereby files these proposed special instructions pursuant to
Fed. R. Crim. P. 30.

FELDMAN FIRM PLLC
150 Southeast 2nd Avenue
Suite 600
Miami, Florida 33131
Direct: 305.714.9474
Email: afeldman@feldmanpllc.com
Florida Bar No. 60325
Attorneys for Gregory Charles Milo Caskey

SPECIAL CURATIVE INSTRUCTION

You have heard evidence about Mr. Caskey and doctors during this trial. This is a wire fraud and health care fraud case, not a kickback case. Therefore, in deciding whether the government has proved each element of Counts 1-7 beyond a reasonable doubt, you must not consider any evidence or testimony suggesting that Mr. Caskey agreed with doctors or any other person to pay bribes or kickbacks to doctors to refer, arrange for, or order laboratory testing at IGX.

SPECIAL INSTRUCTION: THEORY OF THE DEFENSE

It is Mr. Caskey's theory of the defense to Counts 1-7 that, even if a claim for COVID 19 testing or pharmacogenomic testing were determined to be medically unnecessary by a physician or health care professional, Mr. Caskey is not a health care professional and acted in good faith in relying on the clinical judgments of physicians and health care professionals, the professional judgment of billing consultants, and other professionals relating to claims for pharmacogenetic and COVID 19 tests. Good faith is inconsistent with willfulness. Mr. Caskey is not required to prove good faith. The government must prove each element of Counts 1-7 beyond a reasonable doubt.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was served on all counsel of record via CM/ECF.

/s/ Andrew S. Feldman